

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

CERTIFICATION OF  
CRIMINAL CONTEMPT

05-CR-6068L

v.

GLENN HARPER,

Defendant.

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Pursuant to Rule 42(b), Federal Rules of Criminal Procedure, I certify that Glenn Harper ("Harper") committed acts of criminal contempt in my presence, in open court, at a court proceeding on June 30, 2008, just prior to commencement of Harper's criminal trial.

On June 30, 2008, Harper, who is detained pending trial, was brought into court by the United States Marshals for proceedings prior to jury selection. Harper had advised the Marshals that he did not intend to come to court but eventually he entered the courtroom without incidence. Subsequent to Harper's last court proceeding, on June 27, 2008, the United States Marshal Service advised me that Harper repeatedly kicked, struck and destroyed a metal partition in the cell block which provides inmates with privacy while using the commode.

In court on June 30, 2008, while Harper's attorney was making an application, Harper became loud and belligerent and refused the Court's orders to remain silent. Harper raised his voice to the highest possible level, cursed the Court repeatedly, demanded that he be removed from court and repeatedly used foul and vulgar language toward the Court, the prosecutor and his own lawyer.


As I have noted previously, Harper has had a history of such behavior which required him to be physically removed from the courtroom.

I orally advised Harper that I found him in contempt and imposed a sentence of five (5) months imprisonment to run consecutive to the prior contempt sentence and to any other sentence he might receive should he be convicted on the underlying indictment. Harper was removed from the courtroom.

I determine that Harper's behavior and comments to the Court were abusive and disrespectful of the Court and intended to and did obstruct the proper administration of justice. This contempt sentence is necessary and proper to uphold and maintain the dignity and authority of the Court.

I incorporate, by reference, the entire proceedings which occurred on June 30, 2008, that were memorialized not only by the court reporter in her stenographic notes but also in a tape recording of the proceedings.

SO CERTIFIED.

  
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DAVID G. LARIMER  
United States District Judge

Dated: Rochester, New York  
June 30, 2008.